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May 29, 2007

**By E-filing and by Hand**

The Honorable Joseph J. Farnan, Jr.  
United States District Court  
844 N. King Street  
Wilmington, DE 19801

Re: *Royal Indemnity Co. v. Pepper Hamilton, et al.*, C.A. No. 05-165  
*Stanziale v. Pepper Hamilton, et al.*, C.A. No. 04-1551  
*Stanziale v. McGladrey & Pullen LLP*, C.A. No. 05-72  
*MBIA Insurance Corp. v. Royal Indemnity Co.*, C.A. No. 02-1294  
Emergency Motion For Leave to Replace Stricken Expert Witnesses

Dear Judge Farnan:

Please find enclosed a courtesy copy of Royal Indemnity Company's Emergency Motion For Leave to Replace Stricken Expert Witnesses (the "Motion") and a memorandum in support thereof. By this motion, Royal Indemnity seeks leave to obtain new expert witnesses to replace two of the experts whose reports were stricken and whose testimony was precluded by the Court's May 25, 2007 Memorandum Order (No. 05-165 D.I. 494), and to file new expert reports by June 15, 2007.

In opposition to the Motion to Strike filed by Pepper Hamilton LLP and W. Roderick Gagne in his capacity as an attorney (together, "Pepper") (No. 05-165 D.I. 480), Royal requested that, if the Court granted the motion, Royal be given sufficient time to find replacement experts and file new expert reports. However, Pepper now refuses to accede to Royal's request for replacement experts, despite that, in their reply brief on the Motion to Strike, Pepper did not oppose this relief and the Memorandum Order was silent on this point. Denying replacement experts would leave Royal with no experts to address the rules of professional responsibility and standards of care applicable to Pepper's conduct, effectively denying Royal expert testimony altogether, and imposing an excessive sanction.

The Court has requested that the defendants submit a revised case management order by May 30, 2007, by which the deadline to file their expert will be extended. The relief requested in the Motion affects the schedule to be set for further expert discovery and upon all of the parties'

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trial preparation. Consequently, we respectfully request that the Court schedule the Motion for briefing and argument on an accelerated schedule.

We are available at the Court's convenience should you have any questions or concerns.

Respectfully Submitted,

*/s/Philip Trainer, Jr.*

Philip Trainer, Jr. (#2788)

cc: counsel of record on attached service list (with enclosures)  
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